LAND INFORMATION SOURCES IN LATIN AMERICA: 
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by

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and other contributions as listed

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ARGENTINA LAND INFORMATION SUMMARY
(by Steve Hendrix)

I. National Land Markets and Land Information Institutions:

Argentina does not have an on-going land reform program. In this sense, it is unlike many of the other Latin American jurisdictions. Large, privately-held, hacienda units characterize much of the countryside where ranching is feasible. Argentina does, however, have an ambitious land records management program which has been linked to rural taxation. The physical and fiscal cadastres are two very distinct institutions in Argentina. At the national level, the Instituto Geographico Militar functions as the country’s mapping agency to produce the physical cadastre. It contains information such as soils, forest cover, official borders, etc., at scales that are large for parcel identification. At the province level (akin to a state government), there is oversight of fiscal cadastral offices located at the municipal level. The fiscal cadastre was created solely for taxation purposes. Map scales are appropriate for parcel identification, yet there is little specific parcel data such as soil, ground cover, and other information. Also at the provincial level is a Real Estate Registry as the judicial cadastre. Each of these separate units is discussed in detail below.

Property Taxation:

Property taxes in Argentina are based upon the value of the land in question, where the value is calculated through normal market value or productivity methods. The parcel value is generally that of the land free of improvements, corrected by a coefficient, then including the depreciated land improvements (Min. de Interior, 1996). The real estate tax usually represents 12% of the tax revenue in each province. The fiscal cadastre program currently is under review and expansion as part of a World Bank-IDB project entitled “Updating of the Parcel Land Information undertaken within the Program of Financial Ordering and Economic Development in the Provinces of Argentina.” The project envisions new aerial photos and mapping, a parcel census, and new parcel valuations. Each province-specific project is executed independently, and nineteen provincial projects have been approved (ibid).

In theory, each municipality has a fiscal cadastre office, called a municipal cadastre. Each municipality reports to a province authority which then exerts oversight over all the municipalities within its jurisdiction. In practice, this coordination and oversight has been problematic to non-existent, depending on the province. In the capital city of Buenos Aires, since the municipality is apart from all provinces (being a federal capital), there is no provincial authority over the municipal cadastre.

The registry office reflects the archaic and the modern. Old 1930s style telephones are still used by employees. Manual typewriters still punch away. The system relies on a manual, paper-base. Yet about four years ago, part of the office was privatized via two major contract awards. The first, to Catastros y Relavimientos, S.A., looks to provide updated surveys with GPS for the entire capital city. This initiative has only just begun, and remains in an initial stage. The second contract award, to Registros Catastrales, S.A., privatized the giving out of
certificates of ownership along with conversion of data from manual to digital format.

The relationship between private sector employees and cadastre office employees is reportedly excellent. There have been no union complaints about the relationship, despite the fact that the private sector employees have higher salaries than the public sector counterparts. Further, no funding is available to finance any continuing education for cadastre employees. Even more telling, however, during the site visit, all public sector employees appeared to be working diligently. This contrasts with site visits to some other South American jurisdictions where public employees are sometimes less motivated.

For the fiscal cadastre, a new computer network has been installed, but to date has had limited use. It serves mainly as a network for management of incoming requests. In this regard, the network is purely administrative. Graphic information still cannot be accessed via the network. When more material is available in graphic form, it is hoped the network will be able to support that service as well. Between 1939 and 1942, complete parcel maps of Buenos Aires were made, each parcel with its own ficha parcelaria which included ownership data. This data has since been updated, but only when there is some change in the data, like a request for new construction. In some cases, ownership data has never been changed.

The fiscal cadastre is only indirectly linked to the registry. Whenever there is a sale of a property, the owner must seek a certificate of unencumberment (certificado de no afectacion). This certificate will be used by a lawyer to back the sale document (escritura). A request for a certificate will mean that the cadastre office will have to update that file before a certificate can be granted. In this way, the cadastral office gets updated periodically. However, it gets updated only prior to a change in status, and then is not subsequently advised of the new status. Consequently, the system as presently constructed is flawed.

The tax system itself does not provide an incentive to update the cadastre either. The responsibility to pay real estate taxes is a “real” obligation, that is, it runs with the land. It is not a “personal” obligation that runs with the individual. Consequently, as long as the taxes are paid, it matters not to the Fiscal Cadastre whose name appears.

In terms of administration, the fiscal cadastre for Buenos Aires has about 40 employees, plus the two private sector companies collaborating. All revenue generated goes to the municipal treasury, with no monies remaining to offset expenses.

In Buenos Aires, there are about 360,000 parcels, many of which have been subdivided into apartments. The municipality covers about 12,000 manzanas. Each zone of the city is taxed at a different rate, and in accordance with property size. In crude terms, a common house will pay about US$100 per month in city property tax, while an apartment will pay about US$40 per month. Property taxes are paid at any commercial bank in the city. Total revenue generation by the office was unavailable. However, in very rough terms, we can estimate revenues from property taxation to be about half a billion U.S. dollars, given the above estimates. Further revenue is generated from fees on cadastral transactions and certificates,
generating another $10,000 per business day to the office.¹

For the fiscal cadastre, individual parcel maps are maintained at the 1:250, 1:1,000 and 1:2,500 levels, as needed. The city is organized into 96 “sections.” The newer maps were produced on film polyester paper are in excellent condition. Older maps also used high quality paper and are well-preserved. Space constraints dictate that maps are not being stored in the best fashion. Still, it is usually possible to locate a needed map in short order.

II. Details of the National Physical Cadastre System:

A. Origin and Purpose

The Instituto Geografico Militar, a dependency of the Argentine military forces, functions as the country’s national mapping agency. The office began its history in 1879 as the Officina Topografica Militar. In 1904, its name was modified to its present state. The first mapping legislation appeared in 1912, with principal modern legislation appearing in 1941 with the “Ley de Carta” (Ley 12.696). This new package called for geodetic control and current surveying for the entire country. In 1946, additional law (Decree No. 8944) was enacted to allow IGM to qualify cartographic mapping in the country. Finally, in 1983, the latest legislation appeared (Ley 21.963) which updated prior legislative frameworks.

The main purposes of IGM are as follows:
- Carry out the objectives specified in Law 21.963, the act which governs IGM.
- Carry out basic cartography.
- Map production.
- Approval (“fiscalizacion”) of any map depicting the country or any portion of the country.
- Maintain official time.
- Provide other informational services to the military forces.

¹ For example, a certificate costs about $30.
B. Methods and Productivity

The main functions of IGM are:

- Establish and maintain geodesy and aerial photography;
- Certify maps;
- Advise other governmental offices;
- Provide a basic cartographic map of the country;
- Provide for scientific exchanges with other countries;
- Calculate the time;
- Provide training for internal staff; and
- Provide other technical assistance to the military, as needed.

In its capacity as a qualifier of maps, IGM is uniquely authorized to produce maps. The private sector, in theory, must seek IGM approval for its maps. This policy reflects concern over the technical accuracy of maps produced, seeing qualification as a state function. However, in an era where laptop GIS is available, this policy looks outdated. Indeed, IGM has no police power to enforce the removal of maps lacking qualification. We can expect this trend to continue.

The country enjoys 22,200 points of first to fourth order around the nation within its system of the “red planimetrica”. Of those, 124 are tied to GPS WGS84. These same points are being tied into various international networks including oceanic shipping networks. IGM also maintains a “red gravimetrica nacional,” containing 17,226 first, second and third order points. Finally, IGM further maintains a “red altimetrica.” To maintain its photogrammetry, IGM has two aircraft plus its own laboratory. In 1996, IGM will fly 78,000 square km, mainly in Chubut, Mendoza and Santa Cruz. At the national level, 95% is already done.

<table>
<thead>
<tr>
<th>Scale</th>
<th>% coverage at national level</th>
<th>Sheets needed to cover the country</th>
<th>Area contained in each sheet in square km.</th>
<th>Total produced.</th>
</tr>
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<tbody>
<tr>
<td>1:500,000</td>
<td>100%</td>
<td>70</td>
<td>40,000.</td>
<td>70</td>
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<tr>
<td>1:250,000</td>
<td>90%</td>
<td>222</td>
<td>15,000</td>
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<tr>
<td>1:50,000</td>
<td>26%</td>
<td>7197</td>
<td>415</td>
<td>1838</td>
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</tbody>
</table>
C. Costs and Maintenance

IGM has had difficulty finishing off its work of digitalizing all current information. Still, IGM remains committed to creating and maintaining an updated, digital system in the long term. With solid technical leadership at the managerial level, IGM has maintained a professional image. This institutional confidence, along with new technologies, should keep IGM on its track.

In terms of accuracy, the cadastral office considers past work to be of a high standard. Thus, data conversion has been the elected strategy for modernization. All parcels have historically been geo-referenced. Backup copies of everything are available, giving a certain level of security to the office. However, since all these copies are stored on site, the security could be compromised by fire or other natural disaster.

D. Staffing and Technology

The IGM facilities are clean and very secure. IGM can boast of a fine auditorium and even a museum where old survey instruments remain on display. On the other hand, over the last ten years, budgets have been declining, producing problems of insufficient personnel. The Institute is under a state policy now to cut costs. IGM is being forced to re-think its approach and look for cost-saving technologies to achieve greater efficiencies. There is also a new government policy of incorporation of civil surveyors into the historically military institution. This process has already begun.

Cadastre office employees are paid on the public sector pay scale (about US$500 to $700 per month), which appears sufficient to retain most qualified staff. Still this salary does little to attract new applicants.

Information access is curiously limited. Unlike most other countries which allow public access to public records, Argentina limits public access to only an interested party, like a property owner. In terms of private sector participation, the office includes not only the two consulting firms working on the administrative and data conversion tasks, but also allows private surveyors to map individual parcels. The cadastre office functions as a “qualifier” of individual parcel maps, and does not necessarily do the work itself.
IV. Details of the National Property Registry:

A. Origin and Purpose

The registry system in Argentina is mainly a folio real system, providing for inscription of parcels using "minutes" and abstracts. This system is called the "sistema de escrituras" or deeds registry system. Those lands inscribed in the registry are to be assured rights as real property. Publicity is assured through the issuance of cadastral certificates on transactions. Perhaps 7% of parcels remain on an older system of protocols, a system akin to the folio personal.

B. Methods and Productivity

New computerized registries are either on-line or about to be in the Municipality of Buenos Aires, plus several municipalities in the greater Buenos Aires metropolitan area: San Isidro, Vicente Lopez, Moron, and La Cruz. For the purposes of this review, a site visit to the Municipal Registry for Buenos Aires was arranged for April 19, 1996. This section reflects the results of that visit. It should be noted that many provinces are just now converting to the folio real system, and many others have no computers yet.

The "Registro de la Propiedad Inmueble" (Real Estate Registry) office is located in a very accessible area of Buenos Aires in a clean, fairly modern facility. Security guards provide adequate security for personnel and records. The offices display a reasonable, logical order, with employees displaying a very positive work ethic. The same building houses an adult continuing education program for registry employees, further contributing to the positive atmosphere of the office. And, communication efficiency is underscored by a private van service used by the registry to insure timely communication of official documents within the city.

The main public office has appropriate lighting, with air conditioning and plenty of seating for the public. Some visitors and even security guards smoked in the lobby, presenting a potential danger to records (despite signs stating that smoking is prohibited), however no smoking was observed in areas where documents are stored.

The registry in Buenos Aires processes about 4,500 transactions per day. The registry governs approximately 1.5 million parcel properties. Transactions are completed within 72 hours. The office produces about US$2 to $3 million per month in revenue paid to the municipality, but spends a budget from the municipality which is something less than that amount. Exact figures were unavailable during the site visit. Patrons have access to an index of property owners (indice de titulares) which is about 90% computerized. Approximately 600 employees work at just the Buenos Aires registry alone.

Backup copies historically were made with microfilm. However, in recent years, the process has been modernized and scanners have replaced the old microfilm process. All abstracts are being scanned, and about 15% of parcels are now totally computerized. All backups are stored on site, but in a fire-proof safe. Management control over all incoming
transactions is exercised by a fully computerized system. While the plant has an emergency
electric generator in case of power failure, electricity is fairly reliable in Buenos Aires, and the
generator is not used in fact. Each parcel is identified uniquely in the Argentine system via a
registry number called a “matricula.” This number can be cross-referenced against the unique
cadastral number at the municipal cadastre office, if needed.

C. Costs and Maintenance

In terms of income generation, the Registry is subject to the Ley de Reforma de
Estado, which states that all public services should try to operate on a cost-recovery basis,
without making a profit. In this regard, all services provided by the registry correspond to an
appropriate service fee.

D. Staffing and Technology

Employees are considered public sector employees, and have a corresponding salary.
However, this salary is topped off through an income retention program the registry has
initiated with the Municipal government, called the “Ley de Convenio.” A newly hired
employee at the registry starts at about $800 per month, which is considered an adequate
amount to attract staff. Other attractive features include the continuing education program
offered by the Registry. To become a registry employee, applicants must first pass an exam.

Like the municipal cadastre office, the Registry limits public access to information on
parcels not directly owned by the inquirer. This policy has generated heated debate in
Argentina over public access to public information, versus rights of privacy and potential illicit
use of public information. The current policy seeks to mitigate criminal conduct by denying
access to information. Curiously, however, attorneys and certain other professionals are
assumed to be acting in good faith, and are granted de facto access to all records.

Corruption has not been a major problem with the registry. On the contrary, the
institution enjoys a high level of institutional confidence. A few cases of documentary fraud
have been uncovered, but none that implicate registry staff.

In May 1995, the Registrar of Buenos Aires reached agreements with his counterparts
in Mexico City and Santiago, Chile, to exchange information via fax with a 24 hour turnaround
time. Conversations are on-going to add southern Brazil to this club. The network will allow
patrons of any of the several offices to check records found in any of the network’s other
member offices without having to travel to those countries. In the context of MERCOSUR,
this service could prove quite valuable over the longer term. The Registrar of Buenos Aires
also is the host of the Congreso Latinoamericano de Consulta Registral, a group of registrars
and other professionals from 54 countries. In this light, the Buenos Aires Registry is highly
regarded in the region for its leadership and professionalism.
IV. Integration of the Cadastre and Registry Systems

There is little data sharing among the cadastral institutions (the municipal-level cadastre agency and the national IGM which produces maps and the physical cadastre). Cadastre maps are not shared with the registry, and most parcels inscribed are supported by private surveys.

V. Other MPLIS Land Information Sources (i.e. utility or soil maps which may be integrated into a computerized data base)

Aeroterra S.A. has produced two products relevant to land management information, both CD-ROM discs with accompanying text. The first is a statistical atlas of Argentina. This has three major components, the first of which are general characteristics such as political divisions, climatic, hydrographic and transportation data. The second component includes demographic and social indicators like population, family and housing, education, health, employment, social security, public security, electoral participation and tourism. The last component involves economic indicators, including agriculture, energy, public finances, minerals, commerce, exports and industry.

The second product is a soils atlas for Argentina. This includes soils, hydrography, highways, rail, population, airports, topographic contours, climate, precipitation, temperature, pressure, groundwater, humidity, vegetation, pastoral regions, political subdivisions, and Landsat TM satellite images for select areas. The geographic data in these packages along with cartographic and tabular data necessary for creating new maps is included. Data comes from official government sources (the Instituto Nacional de Estadistica y Censos, INDEC), and takes advantage of an ArcView 1.0.

Additional information from: